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MEMO ENDORSED

Via ECF

The Honorable Jessica G. L. Clarke
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Application GRANTED. Mr. Marcus's travel conditions on bail are expanded to permit travel in the continental United States. This includes his business travel on May 1 and 2 to Pennsylvania and Ohio. All other conditions of bail shall remain in effect. Mr. Marcus shall provide his pretrial services officer with his itinerary before every scheduled trip. The Clerk of Court is respectfully directed to terminate the letter motion at ECF No. 119.

Dated: April 29, 2025
New York, New York

SO ORDERED.

JESSICA G. L. CLARKE
United States District Judge

Re: United States v. Joseph Malvasio and Gregg Marcus
23-CR-396 (JGLC)

Dear Judge Clarke:

We write respectfully on Mr. Marcus's behalf to request two modifications to his travel restrictions in the above-captioned case.

The government and pretrial services do not object to the first request, that Mr. Marcus be permitted to travel later this week for business. Mr. Marcus requests the Court's permission to take an overnight business trip on May 1 and May 2 to Pennsylvania and Ohio. He would spend the night at a local hotel and return home on May 2.

The government and pretrial services *do* object to our second request. In short, we seek precisely the same conditions for Mr. Marcus that the Court recently approved for his co-defendant, Joseph Malvasio. The government and pretrial services object to this request. They have not articulated any reasons that Mr. Marcus's conditions of release should be more stringent than Mr. Malvasio's.

Mr. Marcus has been at liberty on a \$1,000,000 secured bond that restricts his travel to the Southern District of Florida, the Eastern District of New York, and the Southern District of New York. Mr. Marcus has fully complied with all his release conditions since the bond was signed at his initial appearance on August 10, 2023.

Mr. Marcus's second request for the same travel privileges accorded Mr. Malvasio is eminently reasonable. The May 27, 2025 trial date was adjourned at the April 8, 2025 status conference over Mr. Marcus's objection. This 8-month adjournment of the trial directly was a

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direct result of the government's decision to add to the indictment a third person, Chris Polk, two months before the May trial date, notwithstanding having investigated Mr. Polk since at least October 2, 2023.¹

As the Court well knows, the May 2025 date was set at the August 7, 2024 status conference at which Mr. Marcus asked for a December 2024 or January 2025 trial. Mr. Marcus is not guilty of the crimes he is charged with and is exceedingly anxious to have his day in court. In addition to the psychic burden of having to wait two-and-one-half years since arrest, Mr. Marcus has been under tremendous financial strain because the government froze his bank accounts, notwithstanding the fact that those accounts contain funds that Mr. Marcus earned legitimately. The stress on his former spouse, with whom he is close, and on his current partner, as well as on Mr. Marcus's three children, weighs heavily on him.

Mr. Marcus has been on bond without incident for 20 months. Mr. Malvasio's bond has now been modified to allow him to travel freely in the lower 48. (Doc 110). As stated above, the government and pretrial services object to this modification for Mr. Marcus. Their lack of any proffered reasons behind their position suggests there are none, or worse.

We appreciate the Court's consideration.

Respectfully submitted,



By: Ilene Jaroslaw

cc: All counsel *via ECF*
4933-0756-7932, v. 1

¹ On October 2, 2023, the government applied for and obtained a search warrant for Chris Polk's business email address. The affidavit of FBI Special Agent Craig Minsky in support of the warrant is under seal at 23 Mag. 6635 and was produced in discovery at Bates Nos. USAO 0021806-0021848. The government applied for and obtained a search warrant of Chris Polk's iCloud accounts and Apple ID/email accounts on November 17, 2023. The affidavit of Agent Minsky in support of that warrant is under seal at 23 Mag. 7249 and was produced in discovery at Bates Nos. USAO 0021755-0021805.